

House Study Bill 221 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act allowing the electronic publication of certain public
2 notices by governmental bodies and officers and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 22A.1 Electronic publication of
2 public notices.

3 1. For purposes of this section, "*governmental body*" means a
4 governmental body as defined in section 21.2.

5 2. a. A governmental body or officer that is required
6 by statute to publish a notice, action, or other information
7 in a newspaper of general circulation may, in lieu of such
8 requirements, publish the notice, action, or other information
9 in an abridged form if the entirety of the notice, action, or
10 other information is posted on the governmental body's internet
11 site, if the governmental body maintains an internet site.

12 b. Each governmental body or officer subject to the
13 requirements of this section shall, by rule, ordinance,
14 resolution, or other official action, as appropriate, identify
15 each type of notice, action, or information that may be
16 published in an abridged form and posted in its entirety on the
17 governmental body's internet site in lieu of publication and
18 shall identify the location of the governmental body's office
19 where such notices, actions, or information will be available
20 for public inspection.

21 3. A notice, action, or other information posted by a
22 governmental body or officer on a governmental body's internet
23 site pursuant to this section shall include all information
24 otherwise required to be contained in the publication and
25 shall comply with all requirements relating to the date of
26 publication.

27 4. In posting and maintaining a notice, action, or
28 other information on a governmental body's internet site,
29 the governmental body shall satisfy all of the following
30 requirements:

31 a. The internet site shall be available and easily
32 accessible at all times by the public.

33 b. The public shall not be charged for access to any notice,
34 action, or other information posted on the internet site
35 pursuant to this section.

1 *c.* The notice, action, or other information posted on the
2 internet site pursuant to this section shall be maintained
3 and accessible through the same internet site address for as
4 long as required by law or as long as such information is
5 customarily maintained by the governmental body, whichever is
6 longer.

7 5. A notice, action, or other information posted on an
8 internet site pursuant to this section by a governmental
9 body shall also be made available by the governmental body
10 in a paper format in the office of the governmental body as
11 identified pursuant to subsection 2, paragraph "b".

6. Compliance with the requirements of this section shall constitute compliance with the publication requirements applicable to the governmental body or officer relating to the notice, action, or other information posted on an internet site pursuant to this section.

17 7. A governmental body shall provide a method by which
18 persons may opt to receive notices, actions, or other
19 information by electronic mail. Electronic mail addresses
20 possessed by a governmental body pursuant to this subsection
21 are not public records and are not subject to disclosure under
22 chapter 22.

23 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2022.

EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill provides for electronic publication of public
28 notices.

29 The bill provides that a governmental body or officer that
30 is required by statute to publish a notice, action, or other
31 information in a newspaper of general circulation may, in lieu
32 of such requirements, publish the notice, action, or other
33 information in an abridged form and post the notice, action, or
34 other information in its entirety on the governmental body's
35 internet site, if the governmental body maintains an internet

1 site. The bill requires each governmental body subject to the
2 bill to, by rule, ordinance, resolution, or other official
3 action, as appropriate, identify each type of notice, action,
4 or information that may be published in an abridged form and
5 posted on the governmental body's internet site in lieu of
6 publication and to identify the location of the governmental
7 body's office where a paper copy of such notices, actions,
8 or information will be available for public inspection. The
9 bill requires a governmental body to provide a method by
10 which persons may opt to receive notices, actions, or other
11 information by electronic mail. Electronic mail addresses
12 possessed by a governmental body for this purpose are not
13 public records subject to disclosure under Code chapter 22
14 (examination of public records).
15 The bill takes effect July 1, 2022.